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OGC Has Reviewed

ATTACHMENT A

The Central Intelligence Agency engages in certain activities related to the field of atomic energy which necessitate the clearance for access to Restricted Data of a considerable number of its employees.

In accordance with provisions of the Atomic Energy Act of 1946, as amended, it has been the practice for such employees to be investigated by the Civil Service Commission or the Federal Bureau of Investigation despite the fact that they have previously been investigated and security cleared for employment by the Central Intelligence Agency.

In view of the passage of Section 145(b) of the Atomic Energy Act of 1954, which permits an exception under certain conditions to the requirement for investigation by the Civil Service Commission or Federal Bureau of Investigation, the Central Intelligence Agency has requested that arrangements be made so that its employees may be granted access to Restricted Data on the basis of the CIA clearance as an authorized exception under Section 145(b) of the Act which would obviate the necessity of further investigation by the Civil Service Commission or the Federal Bureau of Investigation.

In its letter of request, a copy of which is attached, the Central Intelligence Agency points out that each of its employees, prior to entering on duty, is the subject of a full field investigation by its own investigative facilities under standards at least equivalent to those of the Civil Service Commission

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investigation for access to Restricted Data and the investigative requirements of Executive Order 10450. In addition, it pointed out that the evaluation of the investigative results conforms with Executive Order 10450 and certain special requirements of the Agency.

This matter has been discussed by representatives of the Central Intelligence Agency and the Atomic Energy Commission, and it is our opinion that the investigative standards of the Central Intelligence Agency are in conformity with the standards and specifications established by the Atomic Energy Commission pursuant to Section 145(f). In addition, it is felt that the evaluative standards of the Central Intelligence Agency are sufficient to satisfy the requirement in Section 145(b) which provides that the Commission must determine that permitting an individual to have access to Restricted Data will not endanger the common defense and security. It is further noted that the requirement under Section 145(c) for a full-field investigation by the Federal Bureau of Investigation in the event that derogatory information is discovered would have been satisfied under the Central Intelligence Agency security procedures which conform to Executive Order 10450.

In view of the above it is felt that the granting of clearances for access to Restricted Data to Central Intelligence Agency employees without the necessity of a Civil Service

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Commission or Federal Bureau of Investigation investigation would be clearly consistent with the national interest and would result in a considerable saving of time and money to the Government. It is felt that appropriate procedural details can be agreed upon by the Central Intelligence Agency and the Commission.

Prior to initiating such action, however, it is deemed advisable to request a legal opinion from your office as to whether the Commission or General Manager is legally empowered to grant such an exception under Section 145(b).